



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/650,120

08/28/2000

Samuel H. Christie IV

7000-445

8022

27820

7590

12/08/2005

WITHROW & TERRANOVA, P.L.L.C.

P.O. BOX 1287

CARY, NC 27512

EXAMINER

SHERKAT, AREZOO

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/650,120	<b>Applicant(s)</b> CHRISTIE, SAMUEL H.	
	<b>Examiner</b> Arezoo Sherkat	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

This office action is responsive to Applicant's amendment Sep. 15, 2005. Claims 1-29 remain pending.

***Response to Arguments***

Applicant's arguments, see "Remarks" page 3 third paragraph, filed Sep. 15, 2005, with respect to the rejection(s) of claim(s) 1-29 under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bendinelli et al., (U.S. Patent No. 6,631,416 and Bendinelli hereinafter).

Regarding claims 1, 12, and 15, Bendinelli discloses a method of remotely controlling a firewall from a firewall controller in order to permit the flow of packet data through said firewall, the method comprising:

sending a request message from a firewall controller to a firewall requesting that a pinhole (i.e., hairpin) be opened, and opening a pinhole in said firewall, sending a request message from a firewall controller to said firewall requesting that a pinhole be closed, and closing said pinhole (Col. 38, lines 59-67 and Col. 39-40, lines 1-67 and Col. 41, lines 1-10).

Regarding claims 2-3, 5, 8, 17, and 21, Bendinelli discloses a firewall controller for perpitting the flow of packet data, said firewall controller comprising:

means for determining a need for a pinhole in a firewall, means for sending a request message to said firewall requesting that a pinhole be opened in said firewall; and means for sending a request message to said firewall requesting that said pinhole be closed in said firewall (Col. 41, lines 10-67 and Col. 42, lines 1-67 and Col. 43, lines 1-4).

Regarding claims 16, 25, and 26, computer program product in a firewall, said firewall responsive to a media gateway controller, the computer program product having a medium with a computer program embodied thereon (Col. 71, lines 13-25), the computer program product comprising:

computer program code for receiving a request message from said media gateway controller requesting that a pinhole be opened in said firewall, computer program code for opening a pinhole in said firewall, computer program code for receiving a request message from said media gateway controller requesting that said pinhole be closed in said firewall, and computer program code for closing said pinhole in said firewall (Col. 38, lines 59-67 and Col. 39-40, lines 1-67 and Col. 41, lines 1-10).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9, 13, 18, 22, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al., (U.S. Patent No. 6,631,416 and Bendinelli hereinafter), in view of Kimchi et al., (U.S. Publication No. 2002/0120760 and Kimchi hereinafter).

Teachings of Bendinelli with respect to limitations of claims 1, 8, 12, 16, and 21 have been discussed previously.

Regarding claims 4, 11, 20, and 24, Bendinelli does not expressly disclose wherein said firewall controller is a media gateway controller.

However, Kimchi discloses wherein said firewall controller is a media gateway controller (i.e., Media Gateway Control Protocol on a network device such as a router results in a media gateway controller for controlling media gateways to set up media, for example, voice traffic paths through the distributed network (Page 4, Par. 0036 and Page 6, Par. 0081-0095).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bendinelli with the teachings of Kimchi to include a Media Gateway Control protocol in the firewall router and the support of H.225.0 Faststart for signaling in the client machine. One of ordinary skill in the art would be motivated because this modification would simplify standards for VOIP technology by eliminating the need for complex and processor-intense IP telephony devices, this lowering the cost of these terminals (Kimchi, Page 4, Par. 0036).

Regarding claims 6, 9, 13, 18, and 22, Bendinelli does not expressly disclose wherein said request messages are formatted in the H.248 protocol.

However, Kimchi discloses wherein said request messages (i.e., voice traffic) are formatted in the H.248 protocol (Page 4, Par. 0036).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bendinelli with the teachings of Kimchi to include a Media Gateway Control protocol, Megaco or H.248 in the firewall router. One of ordinary skill in the art would be motivated because this modification would simplify standards for VOIP technology by eliminating the need for complex and processor-intense IP telephony devices, therefore lowering the cost of these terminals (Kimchi, Page 4, Par. 0036).

Regarding claim 28, Bendinelli does not expressly disclose wherein said firewall controller is a media gateway controller acting as a call server in a VOIP telephony network.

However, Kimchi discloses wherein said firewall controller is a media gateway controller acting as a call server in a VOIP telephony network (i.e., Media Gateway Control Protocol on a network device such as a router results in a media gateway controller for controlling media gateways to set up media, for example, voice traffic paths through the distributed network (Kimchi, Page 4, Par. 0036 and Page 6, Par. 0081-0095)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bendinelli with the teachings of Kimchi to include a Media Gateway controller acting as a call server in a VoIP telephony network. One of ordinary skill in the art would be motivated because this modification would simplify standards for VOIP technology by eliminating the need for

Art Unit: 2131

complex and processor-intense IP telephony devices, therefore lowering the cost of these terminals (Kimchi, Page 4, Par. 0036).

Regarding claims 27 and 29, Bendinelli discloses a computer system for remotely controlling a firewall from a firewall controller comprising:

a firewall operatively connected to a private computer network and at least one external computer network, and a firewall controller operatively connected to said firewall for remotely instructing said firewall to open and close pinholes in said firewall. (Col. 37, lines 11-67 and Col. 38, lines 1-59).

Claims 7, 10, 14, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al., (U.S. Patent No. 6,631,416 and Bendinelli hereinafter), in view of Putzolu et al., (U.S. Patent No. 6,611,864 and Kimchi hereinafter).

Teachings of Bendinelli with respect to limitations of claims 1, 8, 12, 16, and 21 have been discussed previously.

Regarding claims 7, 10, 14, 19, and 23, Bendinelli does not expressly disclose wherein said request messages are formatted in the common open policy services (COPS) protocol.



However, Putzolu discloses wherein said request messages are formatted in the common open policy services (COPS) protocol (Col. 3, lines 1-67 and Col. 4, lines 1-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bendinelli with the teachings of Putzolu to include common open policy services protocol and COPS request messages. One of ordinary skill in the art would be motivated because this modification would provide for a powerful means of managing computer networks (Putzolu, Col. 2, lines 10-20).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ilnicki et al., (U.S. Patent No. 6,751,677).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

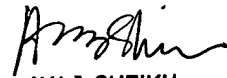
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arezoo Sherkat  
Patent Examiner  
Group 2131  
Dec. 2, 2005



AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100